

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

DAVID LEESON and LUCY LEESON,  
individually and as Parents and Next-Friends  
of NIAHM LEESON, a minor child and  
RUBY LEESON, a minor child,

Plaintiffs,

v.

CV 19-0086 WJ/JHR

THE WRIGHT TRUCKING COMPANY,  
INC., a foreign corporation, DW EXPEDITING,  
INC., a foreign corporation, and  
CHRISTOPHER PUERTO,

Defendants.

**ORDER GRANTING PLAINTIFFS' MOTION  
TO APPEAR VIA VIDEOCONFERENCE**

This matter comes before the Court on Plaintiffs' Motion to Allow them to Appear at Settlement Conference Via Video Conference [Doc. 37], filed November 4, 2019, and fully briefed on November 26, 2019. [Doc. 42]. Having considered Defendants' Response, and considering the current Coronavirus crisis, the Court will grant Plaintiffs' Motion. Plaintiffs' request for a hearing on the Motion [Doc. 43, filed November 26, 2019], is denied as moot.

Plaintiffs, who reside in the United Kingdom, were injured in an automobile accident while vacationing in New Mexico. Due to their location, Plaintiffs have utilized video conferencing to take the depositions of five fact witnesses, including a treating physician. [Doc. 37, p. 1]. Plaintiffs believe videoconferencing has been effective and ask the Court to permit them to appear at any settlement conference in this case via video conference due to their location and Plaintiff Lucy Leeson's injuries. [*Id.*, pp. 1-2]. Plaintiffs offer to shoulder the expenses associated with their video appearance and state that their counsel is available to appear in person. [*Id.*, p. 2].

Defendants oppose Plaintiffs' Motion, primarily because they claim Ms. Leeson's injuries are exaggerated. [Doc. 40, p. 1]. They also believe that "the settlement conference will be more beneficial if the people with authority to settle attend in person." [*Id.*].

The Court would ordinarily agree with Defendants that in-person appearances by litigants assists the settlement negotiations process. However, since the Motion was briefed, the President of the United States has declared a state of emergency in response to the spread of Coronavirus Disease 2019 (COVID-19) and has issued social distancing guidelines lasting at least through April 30, 2020. *See* Administrative Order 20-MC-0004-15, Doc. 15, p. 1 (D.N.M. Mar. 31, 2020). As such, Chief District Judge Johnson has ordered Judges to "endeavor to reschedule hearings or to convert hearings to telephonic and/or video appearances in an effort to minimize the need for persons to travel to court, understanding that certain hearings may nevertheless require personal appearances." [*Id.*, p. 15].

It is unclear when the Coronavirus-related social distancing guidelines will be lifted. In the interest of assisting the parties resolve this case sooner rather than later, the Court deems it prudent to grant Plaintiffs' Motion, without regard to Ms. Leeson's medical status. Notwithstanding Defendants' representations that she can travel, the Court will not be requiring any party in any pending civil case to travel in the near future. The Court sees no reason to deviate from this practice here.

### **ORDER**

Wherefore, Plaintiffs' Motion is **GRANTED**. The parties are directed to confer and email the Court at [ritterproposedtext@nmd.uscourts.gov](mailto:ritterproposedtext@nmd.uscourts.gov) when they are prepared to schedule a settlement conference via videoconference.

SO ORDERED.

A handwritten signature in black ink, appearing to read "J H R", is positioned above a horizontal line.

JERRY H. RITTER  
U.S. MAGISTRATE JUDGE